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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/315,822

Filing Date: May 21, 1999

NOV 29 2007

Appellant(s): CHRISTENSEN, SCOTT N.

GROUP 3600

James G. Gatto
For Appellant

EXAMINER'S ANSWER

This is in response to the updated appeal brief filed on November 02, 2007 (Re. 04/27/06) appealing from the Office action mailed on 07/26/2005.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,321,208	Barnett	11-2001
5,887,271	Powell	03-1999
4,674,041	Lemon	6-1987

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-15, 16, 19 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett et al. (hereinafter Barnett), US Patent 6,321,208B1.

As per claims 1, 11-14, 16 and 24-27, Barnett discloses a system for distributing in an interactive manner over a computer network or the Internet by an online service provider 2 of fig. 1 electronic coupons (Virtual coupons) received from coupon issuer 14 or coupon distributor 16 to registered users using remote computers 6 of fig. 1 wherein a central repository or database 40 of fig. 6 associated with online service provider 2 stores electronic coupon packages and a database file 42 stores users' demographic data or profile data (name, address, income, etc.,), provided by the users during an online registration process with the online service provider 2, and survey responses given by the users. First, a user initially visits the online service provider 2 web site and downloads or accesses generic or untargeted electronic coupons or coupon data stored in database 40 and the demographic data collected from the user during the initial visit (registration process) are used to target specific coupon data packages for subsequently downloading by the user. It is further understood that those specific coupon data packages generated for the user or specific user are stored in the database 40 of the online service provider 2 along with uniquely created user-specific identification indicia uniquely identifying the user or customer using or participating in the online coupon distribution system (col. 7: 55 to col. 8: 5; Claim 1 of the current reference). Once the user joins the online coupon distribution system subsequent to the registration process during the initial visit, the user can connect or access or log into, by inputting via a keyboard his identification number or user-specific ID and/or login name, the online service provider 2 system having an associated web site where the said user can download (request) from database 40 of the online service provider 2 targeted coupon data, specifically directed to his attention, to his personal computer 6 where the coupon data can be stored in a local database 30 of fig.

2 or used by the user to print one or more coupons 70 as shown in fig. 5 using a printer 8 attached to the user's computer 6 (col. 8: 22-37; col. 8: 46-47; col. 6: 50 to col. 7: 11; col. 9: 33-52). The one or more printed coupons are presented for redemption in the normal or conventional fashion by the specific user or customer when shopping at a desired retailer. Following the redemption process, **subsequent to validating the presented coupons and applying the coupon values to the customers' transactions when the required products are purchased**, the redeemed coupon data are transmitted by the desired retailer to a coupon redemption center 13 where they are electronically read and the user-specific data are recorded in a coupon redemption database (D/B) 12. Additionally, the user's transaction data including the redeemed coupon data (redemption data) are provided to the coupon issuers (manufacturers) 14 and coupon distributors 16 of fig. 1 for integration into further marketing analysis (the retail location or the store 10 has means for gathering coupon data, electronically received from the online service provider 2 on behalf of specific customers, and means for forwarding redeemed coupon data to manufacturers or issuers 14 used to update their database and generate new targeted coupon packages for particular or identified customers associated with the redeemed coupon data); In other words, the coupon issuers 14 and coupon distributors 16 of fig. 1 utilize the user-specific data (coupons deleted, coupon printed and demographic data) along with the redemption data to update their database and generate or compile subsequent coupon packages targeted specifically or directed to the user's attention (using redemption data to update the user's virtual coupons or electronic coupons) (See abstract; col. 6: 58-65; col. 7: 12-20; col. 7: 45-55; **col. 11: 39-43**).

As per claim 2, Barnett discloses an online coupon distribution system, wherein once a user joins the online coupon distribution system subsequent to the registration process, the user can connect or access or log into, by inputting via a **keyboard** his identification number or user-specific ID and/or login name, the online service provider 2 system having a web site where the said user can download (request) from **database 40** targeted coupon data, specifically directed to the user's attention, to his computer where the coupon data can be stored in a local database 30 of fig. 2 or used by the user to print one or more coupons 70 as shown in fig. 5 using a printer 8 attached to the user's computer 6 (col. 8: 22-37; col. 8: 46-47; col. 6: 50 to col. 7: 11).

As per claims 1, 2 and 16, Barnett does not expressly disclose a system for enabling a customer to enter a customer identification, via a keyboard coupled to a retail location system or kiosk, to access and retrieve from a remote database coupon data to print a targeted coupon while at the retail location.

However and in general, Barnett explicitly discloses, in the background section, that US Patent 5, 176, 224 to Spector teaches a closed-loop coupon system, which consists of a kiosk type or coupon dispenser-printer system located at a retail store (in-store redemption system). The kiosk or coupon dispenser-printer system is linked to the manufacturer's system in order to obtain specific coupon information. A consumer selects the desired coupon at the kiosk and the coupon is printed and dispensed. Subsequently, the consumer presents the printed coupon at the cash register where a discount is applied and the discount transaction data are transmitted back to the

manufacturer for further marketing analysis. Furthermore, Barnet discloses that US Patent 4, 674, 041 to Lemon teaches a system with remotely located coupon printing stations capable of limiting the number of coupons printed in a given time period. Each coupon station has a display for indicating the available coupons, selection means to allow the consumer to choose the desired coupon and a coupon printer for printing the selected coupon. The system disables display of a particular coupon when a pre-selected coupon limit has been reached. Barnett also admits that the prior art fails to provide a secure, interactive and targeted coupon generation system in which the user can request, store, manipulate and print coupons as desired based on the user or consumer specific profile information, such as demographic data, data representative of coupons requested, selected, printed and redeemed, and wherein the specific profile information and transaction data related to the redeemed coupons are forwarded back to the coupon issuer 14 and coupon distributor 16 for further processing and marketing analysis to thereby efficiently targeting subsequent coupon delivery to the user or consumer. In short, Barnett does disclose the use of kiosk or coupon dispenser (in-store redemption system) located at a local retail store. See col. 3: 36-62.

Furthermore, it is herein expected, in either the Spector's system or the Lemon's system that an input means such as a keyboard and/or a touch screen is used by the customer to access the system and select coupons to be printed. In other words, it is common practice for a user to use a keyboard coupled to a terminal (kiosk), located in a store, to access a remote database to retrieve therefrom coupons available to the customer, wherein the retrieved or selected coupons are encoded on

a customer's device, such as a card, or printed by a printer coupled to the terminal (“Official Notice”).

Therefore, an ordinary skilled artisan, implementing the Barnett's system, would have been motivated at the time of the invention to use an interactive kiosk (in-store redemption system), as taught by Barnett, located within a retail store 10 as an alternate delivery or distribution means so as to allow a user visiting the retail store 10 to input his login name and password or any other identification information via a keyboard coupled to the kiosk, linked to the online service provider 2 server database 40 via a communication means to retrieve targeted coupon data stored therein, to request, view, select and retrieve in an interactive manner targeted coupon data stored in the consumer's or user's file in database 40 and related to at least one discount coupon based on the consumer's aggregate profile information, wherein the retrieved coupon data are used to obtain a secure hard copy or to print the at least one coupon 70 using a printing device connected to the interactive kiosk, having the necessary computer hardware and software, and wherein the printed coupon 70, having imprinted thereon a bar code 90 indicative of the consumer identification, bar code or product UPC 82 and bar code 84 representative of the discounted product, redemption address 86 indicative of the local store 10, redemption instruction 88, offer description 76, expiration date 78, logo 80 and coupon value 80 (fig. 5; col. 12: 14-25), is taken by the consumer to the local store 10 checkout where the coupon 70 is redeemed, by reducing the consumer's transaction by an amount equal to the coupon value 74, when a product in the consumer's order matches the product UPC code 82 following a validation process via a remote coupon clearing center

13 and wherein, at the end of the transaction, the consumer's transaction data including the redeemed coupon data are not only being forwarded to the coupon issuer 14 and coupon distributor 16 for integration into marketing analysis to further prepare more targeted coupon data stored in remote database 40 and made available via the consumer's PC 6 and the retail store kiosk to the particular consumer, but also are being used to prevent any subsequent redemption attempt since a printed coupon 70 is redeemable only once, thereby rendering the coupon delivery or distribution system more flexible and readily accessible to a consumer by installing an interactive kiosk, coupled via a communication means to the online service provider 2 database 40 storing the consumer's targeted coupon data, at a local store 10 proximate to the consumer's home address where the consumer can retrieve through the interactive kiosk in an interactive and secure manner from database 40 targeted coupon data to print at least one coupon 70, subsequent to entering his identification or login name and password via a keyboard or any other input means related to the store kiosk, while the consumer is in the store 10 and just before the consumer engages in a transaction, while giving the manufacturer or coupon issuer 14 or coupon distributor 16 via the online service provider 2 the latitude or flexibility to increase or decrease or modify the targeted coupon data or more specifically the coupon value 74 associated with a particular product or UPC code 82 if the latest transaction data including redeemed coupon data for the day received from a plurality of retail stores 10 show that the number of coupons allowed to be printed and redeemed exceeds a preset number or the manufacturer's goal has been achieved such that the manufacturer can decrease the coupon value 74 associated with product UPC code 82 regardless of the previously assigned value (See col. 3: 36-62 of the Barnett's reference).

As per claims 7-8, Barnett does not explicitly disclose providing to the user or consumer a computer diskette, containing data from the computer network, used by the user as a data entry means **to access the in-store redemption system (kiosk)**.

However and in general, Barnett explicitly discloses, in the background section, that US Patent 5, 176, 224 to Spector teaches a closed-loop coupon system, which consists of a kiosk type or coupon dispenser-printer system located at a retail store (in-store redemption system). The kiosk or coupon dispenser-printer system is linked to the manufacturer's system in order to obtain specific coupon information. A consumer selects the desired coupon at the kiosk and the coupon is printed and dispensed. Subsequently, the consumer presents the printed coupon at the cash register where a discount is applied and the discount transaction data are transmitted back to the manufacturer for further marketing analysis. Furthermore, Barnet discloses that US Patent 4, 674, 041 to Lemon teaches a system with remotely located coupon printing stations capable of limiting the number of coupons printed in a given time period. Each coupon station has a display for indicating the available coupons, selection means to allow the consumer to choose the desired coupon and a coupon printer for printing the selected coupon. The system disables display of a particular coupon when a pre-selected coupon limit has been reached. Finally, Barnett admits that the prior art fails to provide a secure, interactive and targeted coupon generation system in which the user can request, store, manipulate and print coupons as desired based on the user or consumer specific profile information, such as demographic data, data representative of coupons requested,

selected, printed and redeemed, and wherein the specific profile information and transaction data related to the redeemed coupons are forwarded back to the coupon issuer 14 and coupon distributor 16 for further processing and marketing analysis to thereby efficiently targeting subsequent coupon delivery to the user or consumer. In short, Barnett does disclose the use of kiosk or coupon dispenser (in-store redemption system) located at a local retail store. See col. 3: 36-62.

Furthermore, providing a Software or a tool encoded on a computer readable medium to a user or customer which, when installed on the user's computer, allows the user to access an online distribution system or a computer network, such a LAN, WAN or the Internet, is a well-established business method practiced in the industry for many years. In fact, Internet Service Providers or ISPs, such as AOL (America Online), have been distributing free software encoded on 1.44 floppy diskettes to selected users. The diskette mailed by AOL, for example, bears a temporary login name and password or identification. Upon installing the software, encoded on the diskette, on his computer, a user will be prompted to enter the temporary login name and password or identification, which allow the user to connect via a telephone line to a remote server associated with the ISP or AOL, wherein, upon validating the user's temporary information imprinted on the diskette, the user can complete the installation or registration process by providing his demographic data including a credit card number for future billing and establishing a login name or screen name and a password or identification. Subsequent to the installation or registration process, the user, now registered, can browse the ISP site or visit other sites or web sites available on the Internet. Finally, the registered user can, at

any time, use his established login name and password to connect to the Internet, via the ISP, or to read or send e-mails or browse for local content available at the ISP site

Finally, it is common practice in the industry to provide a data entry means such a user's or shopper's card to a user, containing the user's identification and other relevant data, used by the user to access, for example, a store kiosk where the user can view, at least, coupon information stored under his account in a remote database. ("Official Notice").

Therefore, an ordinary skilled artisan, implementing the Barnett's system, would have been motivated at the time of the invention to combine the above public disclosure with the Barnett's system so as to use an interactive kiosk (in-store redemption system), having an input means such as a keyboard or a 1.44 floppy disk drive used to load data therein, located within a retail store 10 as an alternate delivery or distribution means and to allow a user visiting the retail store 10 to identify himself by inserting or inputting a 1.44 diskette, having encoded thereon his login name and password and other pertinent information downloaded from the network, into the 1.44 floppy disk drive coupled to the kiosk, linked to the online service provider 2 server database 40 via a communication means to retrieve targeted coupon data stored in the database 40, so that he can request, view, select and retrieve in an interactive manner targeted coupon data stored in the consumer's or user's file in remote database 40 and related to at least one discount coupon based on the consumer's aggregate profile information, wherein the retrieved coupon data are used to obtain a secure hard copy or to print the at least one coupon 70 using a printing device connected to the interactive kiosk, having the necessary computer

hardware and software, and wherein the printed coupon 70, having imprinted thereon a bar code 90 indicative of the consumer identification, bar code or product UPC 82 and bar code 84 representative of the discounted product, redemption address 86 indicative of the local store 10, redemption instruction 88, offer description 76, expiration date 78, logo 80 and coupon value 80 (fig. 5; col. 12: 14-25), is taken by the consumer to the local store 10 checkout where the coupon 70 is redeemed, by reducing the consumer's transaction by an amount equal to the coupon value 74, when a product in the consumer's order matches the product UPC code 82 following a validation process via a remote coupon clearing center 13 and wherein, at the end of the transaction, the consumer's transaction data including the redeemed coupon data are not only being forwarded to the coupon issuer 14 and coupon distributor 16 for integration into marketing analysis to further prepare more targeted coupon data stored in remote database 40 and made available via the consumer's PC 6 and the retail store kiosk to the particular consumer, but also are being used to prevent any subsequent redemption attempt since a printed coupon 70 is redeemable only once, thereby rendering the coupon delivery or distribution system more flexible and readily accessible to a consumer by installing an interactive kiosk, coupled via a communication means to the online service provider 2 database 40 storing the consumer's targeted coupon data, at a local store 10 proximate to the consumer's home address where the consumer can retrieve through the interactive kiosk in an interactive and secure manner from database 40 targeted coupon data to print at least one coupon 70, subsequent to entering his identification or login name and password via a keyboard or a diskette containing the identification information and other relevant data downloaded from the network and inserted into a 1.44 floppy disk drive related to

the store kiosk, while the consumer is in the store 10 and just before the consumer engages in a transaction, while giving the manufacturer or coupon issuer 14 or coupon distributor 16 via the online service provider 2 the latitude or flexibility to increase or decrease or modify the targeted coupon data or more specifically the coupon value 74 associated with a particular product or UPC code 82 if the latest transaction data including redeemed coupon data for the day received from a plurality of retail stores 10 show that the number of coupons allowed to be printed and redeemed exceeds a preset number or the manufacturer's goal is achieved such that the manufacturer can decrease the coupon value 74 associated with product UPC code 82 regardless of the previously assigned value.

As per claim 4, Barnett discloses an online coupon distribution system wherein the user is allowed to print a particular coupon only **once**, good for a one-time redemption, thus providing for security and guarding against fraudulent redemption since any subsequent attempt to redeem the same printed coupon or a duplicate by a user will exceed the number of times the printed coupon can be redeemed (tracking or counting system) (col. 3: 44-52; col. 11: 11-23; col. 11: 44-50).

As per claim 5, Barnett discloses an online coupon distribution system wherein a printed coupon printed by the user comprising a bar code 90 representing a user's unique identification number such as his social security number and/or online service address or e-mail address (account information), the UPC bar code 84 and number 82 of the product associated with the particular printed coupon, redemption instructions 88, the coupon

value 74 and so on and so forth, **regardless of the location where the coupon was printed** (fig. 5; col. 7: 21-32).

As per claims 3 and 6, Barnett discloses an online coupon distribution system wherein, during a registration process, the user using personal computer 6 can transmit data such as demographic data, via a **computer network or the Internet or data link 4 of fig. 1**, to the online service provider 2, which stores the demographic data in a database file 42 of fig. 6 and, once registered, the user can also receive data, such as targeted electronic coupon or virtual coupon data, from the online service provider 2, which stores the electronic coupon data in database 40 or central repository. In another embodiment, it is contemplated that coupon issuers 14 and coupon distributors 16 can also transmit electronic coupon data, via the computer network or Internet or data link 4 of fig. 1, to online service provider 2 of fig. 1 where they can be downloaded by the user or users.

Furthermore, during a redemption process, information is being exchanged between the remote database and a redemption center in conjunction with a retail POS (See abstract; col. 6: 52 to col. 7: 5; col. 7: 56 to col. 8: 5; col. 9: 33-52; col. 11: 30-43).

As per claims 9-10 and 15, Barnett discloses an online coupon distribution system wherein one or more printed coupons are presented by the user for redemption in the normal or conventional fashion when shopping at a desired retailer. Following the redemption process, the redeemed coupon data are transmitted by the desired retailer to a coupon redemption center 13 where they are electronically read and the user-specific data are recorded in a coupon redemption database (D/B) 12. Further, the user's transaction

data including the redeemed coupon data (redemption data) are provided to the coupon issuers 14 and coupon distributors 16 of fig. 1 for integration into further marketing analysis. In other words, the issuers 14 and coupon distributors 16 of fig. 1 utilize the user-specific data (coupons deleted, coupon printed and demographic data) along with the redemption data to generate or compile subsequent coupon packages targeted specifically at certain user categories or selected categories of products. It is further contemplated that the coupon issuers 14 and coupon distributors 16 can use the user's transaction data including the coupon redemption data in many ways without impacting the functionality or utility or operation of the system. For example, as implicitly supported in the current reference, the coupon issuers 14 and coupon distributors 16 can use the user's transaction data including the coupon redemption data to further generate more targeted coupons or fewer targeted coupons or simply update electronic coupon data specifically directed to the user's attention, wherein these coupons are redeemable on a selected category of products (See abstract; col. 3: 44-52; col. 6: 58-65; col. 7: 12-20; col. 7: 45-55).

As per claim 19, the system allows a consumer to generate shopping lists associated with coupons selected and printed in order to simplify the shopping process and promote the use of product coupons (col. 4: 18-22; col. 9: 1-16).

Claims 1, 4, 9, 10 and 11-15, 16 and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemon, US Patent 4, 674, 041.

As per claims 1, 4, 9, 10, 11-15 and **16 and 24-27**, Lemon teaches a system with remotely located coupon printing stations capable of limiting the number of coupons printed in a given time period. Each coupon station has a display for indicating the available coupons, selection means to allow the consumer to choose the desired coupon and a coupon printer for printing the selected coupon. The system disables display of a particular coupon when a pre-selected coupon limit has been reached. Indeed, the system enables a manufacturer to control its liability for coupons and to deter fraudulent redemption. Here, the manufacturer may prescribe (limit) a particular number of coupons to be redeemed collectively, i.e. throughout all retail stores, and/or at each particular retail store. The present invention also greatly reduces the possibility of fraud by enabling coupons to be encoded with store identification numbers, expiration dates, uniform product codes, and other information at the point of distribution or at a retail store or at the time of printing (printing information on a customer's printed coupon).

The present apparatus comprises, among other things, a stand-alone coupon dispensing terminal T (kiosk) is provided at each retail store or retail location. Each stand-alone terminal communicates with a host central processing unit (remote location) located remote from the stores. Coupons are displayed for customer selection at each dispensing terminal on a video menu via a cathode ray tube and touch screen combination in a fashion that enhances customer acceptance by reducing the time necessary to select and obtain coupons (retrieving and displaying coupons available to the customer upon receiving by the remote database from terminal T as entered by the customer via an input device the customer account). Each terminal may be monitored and controlled via the

host computer or remote database to obtain data such as the number of coupons issued and the identification of customers using the terminal. **The system enables the manufacturer to limit the number of a particular coupon issued from a terminal as well as the number issued in response to activation by a particular credit card related to a customer.** Each terminal includes a self-contained high speed coupon printer, which prints the product information, date, time of day, uniform product code, expiration date, a store identification number or any other information desired for particular applications on each coupon issued (col. 1: 55 to col. 2: 24).

Further, Lemon discloses a system wherein a terminal T, located at a retail store, displays only those coupons currently available to the particular customer. Upon activation, by the customer via the entry of the customer's account number in the form of a credit card account number, terminal T determines whether the same credit card account number has been used within the last week or other pre-designated period by comparing the present credit card number with those stored in memory. If so, the system permits only those coupons still available for selection by that particular customer account number to be displayed. If, for example, the manufacturer has prescribed **a one per customer limit for a coupon**, and that coupon has been previously issued to the customer under the same credit account number, the coupon will not be displayed. Furthermore, even if the particular credit account number has no selection history, if the maximum number of a particular coupon, either collectively or on a store-by-store basis, has been issued, then that coupon will no longer be displayed. In this fashion, a manufacturer is provided with much more control over the maximum redemption liability (col. 5: 45 to col. 6: 10).

Additionally, Host computer H (remote database) monitors the operation of the individual terminals T and provides terminals T with the information necessary to dispense the coupons requested by customers. Host computer H stores the data, which constitute the array of coupons available for selection that will be displayed on each terminal T. Thus, the operator or manufacturer is able to control the display of coupons at each and every remote terminal T via host computer H. Host computer H also retains other information such as the date and time of day, which are used by the terminals T to achieve the desired results of the present system. Host computer H also is programmed to interact with terminals T to allow the operator to prescribe per store and collective limits for each coupon, thereby controlling the manufacturers liability. More importantly, host computer H or remote database is programmed to receive from the terminals T coupon transaction information including the number and type of coupons dispensed, store identification numbers, and customer account numbers. Host computer H is programmed to use the information to generate the weekly reports 4 and 6 (FIG. 1) for the manufacturer and retailer, respectively (col. 4: 35-64).

Preferably, the coupon distribution system, as shown in fig. 1, is illustrated in its role in the over-all coupon reporting and redemption process. The system includes a coupon control system, which interacts with a consumer to selectively dispense coupons as requested. The system also generates reports 4 and 6 regarding coupon distribution for the manufacturers and retailers, respectively. Here, the manufacturer is able to prescribe limits for distribution of particular coupons on a collective and per store basis (fig. 1). The report 4 is provided to the manufacturer on a periodic basis, such as a weekly basis and includes coupon distribution information for each retail outlet. Report 4 may include

the number of coupons dispensed, the store identification information, the dates and times of distribution, and customer identification data. This information is valuable to the manufacturer both as an aid in analyzing its marketing techniques and in detecting fraudulent coupon distribution or redemption. The report 6 provided to retailers is essentially like report 4, but includes information only as to the particular retail store(s) involved. Typically, retailers forward the report 6 to a retail chain headquarters 10 or a clearinghouse 12 to provide a collective accounting for the retail chain or region. In either event, the coupon distribution information is presented to a **redemption center 14**, which receives such information from retailers throughout the country and prepares a billing statement and report 16 for each participating manufacturer. The reports 16 and 4 are compared to detect errors or fraudulent claims. For example, if the number of coupons presented for redemption exceed the number of coupons dispensed as noted in report 4, then the manufacturer may refuse to make payment to the retailers for the excess. Once the system is utilized, such discrepancy will be minimized since the manufacturer will be able to pin point and investigate error sources. The manufacturer will make payment to the particular retailers, thereby concluding the periodic, quarterly, monthly or weekly transaction (col. 3: 29 to col. 4: 6).

In addition, host H is programmed to accommodate coupon dispensing history from each terminal on a terminal-to-terminal basis as well as a particular coupon-by-terminal and coupon by all terminals basis. Recording of this information on a periodic basis provides the host with the available information to provide meaningful coupon history reports to manufacturers, which can be used to verify actual coupon redeemed

information as well as provide meaningful market information on a per store, per terminal, per all terminal basis (col. 30: 29-39; col. 4: 52-64).

Finally, the process of scanning a presented coupon, during a redemption session, to thereby validate the presented coupon before applying the coupon value to the customer's or consumer's order or transaction is implicitly supported by the Lemon's system (fig. 3).

Claims 16-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Powell, US Patent 5,887,271.

As per claims 16-26, Powell discloses a method of and a system for displaying and redeeming electronic discount coupons in a store. The system comprises a Smart card (frequency card), given to a customer to participate in the electronic coupon distribution, a display kiosk terminal used to display coupons where they can be selected by a user and downloaded to the user's Smart card memory, which also contains a coupon list, a shopping list and other relevant data such as the user's or customer's identification information, and a checkout station (ECR) at the checkout area, within a store 1000, where the user presents his Smart card, having encoded thereon the selected coupons, that is read by a device before redeeming a stored coupon when the required product is purchased by the identified user. In other words, during the checkout, when UPC data on one of the user's purchased product match a coupon stored in the memory of the Smart card, following a scanning process, the user or customer is credited with the value of the corresponding coupon (this matching process or validating process ensures that the user

has purchased the required product as indicated on the coupon and/or if the coupon is valid or not expired before the presented coupon can be redeemed during the redemption transaction- See abstract; col. 1: 43 to col. 2: 54).

In general, before shopping in the store 1000, each customer obtained a customer card (frequency card). For example, customer 230 obtained customer card 235 from a bank, by completing an application for the bank. The application contained questions to collect demographic data, including birth date, income level, past buying patterns, geographic location, size of family, level of education, and job-related data. The bank subsequently wrote customer identification data for customer 230 onto customer card 235, and issued customer card 235 to customer 230, and sent the customer's demographic data to a marketing research center which then stored the demographic data on disk or in a central customer database. In other words, for each customer the preferred method writes demographic data for the customer onto a disk in market research center, and writes personal identification data for the customer onto a respective card for the customer. Further, a customer may start shopping with a card already loaded with electronic coupons. For example, the store 1000 may preload new cards with electronic coupons as an incentive for completing and submitting a check cashing application. Moreover, the customer may have a device at home coupled to his computer 2000, as shown in FIG. 2, for directly receiving targeted coupon data over a network or via e-mail for depositing or downloading onto the customer's Smart card or frequency card before coming to the store 1000 (a kiosk within a computer network, related to store 1000, distributes the electronic coupons to the customers' homes where they are transferred to the customers' Smart cards or frequency cards). **In short, the customer may obtain the electronic**

coupons either inside the store 1000 via the kiosk, that writes the coupon data onto the customer's card, or outside the store through the network or e-mail. Thus, a customer may arrive at store 1000 with coupons already on the card memory or internal database. During a redemption process at the store 1000, and upon completion of shopping, the customer brings selected products from shelves 10, 20, and 30 to checkout counter 900. The customer redeems the electronic coupons at the checkout area, by inserting the customer card into checkout station 915. For example, a customer such as customer 290 in FIG. 4B completes the purchase of the selected products 293 by transferring products 293 from her cart 292 to counter 900, and by inserting card 295 into checkout station 915. Subsequently, a checkout clerk scans, using a scanning device, each selected product past UPC bar code reader 910. Bar code reader 910 is an optical detector. In other words, bar code reader 910 detects an electromagnetic signal. A **processor coupled to station 915 and reader 910 determines whether the most recently scanned product is on a discount list stored in the customer's card 295 memory. If the most recently scanned product is identified in this discount list, a price for the product is determined using the discount data corresponding to the product, and the resulting price is displayed on display 917 (matching or validating process before crediting the customer).** Checkout counter 900 scans and processes each product 293 in a similar manner.

After redemption, data including customer identification data from a plurality of cards are compiled and sent to a marketing research center where the customer identification data is used to access the corresponding demographic data, thereby providing the manufacturer with valuable marketing data on coupon program effectiveness and

customer demographics (broadly interpreted, redeemed coupon data are provided to the manufacturers and used in further marketing analysis).

Additionally, Powell discloses displaying a shopping list from the customer's card on a display kiosk, that can print the shopping list on a piece of paper, upon receiving a signal from the customer's card (col. 13: 16-18).

Finally, the customer's card looks like a financial card, such a credit or a debit card, and bears a magnetic stripe 7410 that allows a conventional credit card stripe reader to read basic data from the card (broadly interpreted, the customer's card may be considered as a credit/debit card for having credit/debit card like features and for being read by credit/debit card stripe reader to extract data therefrom-Figs 7A-7B; col. 8: 5-15).

See Col. 6: 49 to col. 8: 2; col. 4: 2-10; col. 4: 21-37; col. 5: 28-40; col. 8: 37-61; col. 10: 55 to col. 10: 55-65; col. 13: 64 to col. 14: 24; figs 8, 9 and 17-19.

(10) Response to Argument

First of all, the 112(1) rejection is being withdrawn.

Second of all, although Barnett renders the claimed invention obvious, however, Barnett does not anticipate the claimed invention as incorrectly reported by the Appellant. Here, the mention of the 102(e) instead of 103(a) rejection was an inadvertent error. Further, the entire rejection is structured as an obviousness rejection. To this end, the portion of the Appellant's arguments dealing with the 102(e) rejection as anticipated by Barnett will be ignored since it is null and void or without merit.

Third of all, Appellant argues that the 103(a) rejection of independent claims 1, 11 and 16 is legally improper and even if the references could be combined (which is not admitted) the combination would not preclude patentability since neither Barnett nor Spector discloses **the Coupon Validation limitation**. In other words, continues the Appellant, Barnett does not disclose **validating the presented coupons prior to crediting** the consumer with a redemption value and that the only validation that takes place occurs after the retailer (10) sends to a redemption center (13) coupons, which have already been redeemed by a customer (See page 10 of the Appeal Brief). Here, the Examiner completely and respectfully disagrees with the Appellant's conclusion. In fact, contrary to the Applicant's contention, the 103 rejection is proper even if it is based only on Barnett's teachings and background information found in the background section of the Barnett's Patent since the information or the materials disclosed therein is part of the entire Application (disclosure). Furthermore, it is not unusual, in practice, to construct an obviousness rejection as such. In general, the Barnett's reference is an improvement over the prior art and calls for providing targeted to a user based at least in part on the user's demographics. The background section refers to two prior art systems issued to Lemon and Spector, which disclose providing coupons via an in-store kiosk or terminal to a user. The idea that the combination of Barnett and Spector does not yield to validating a coupon before redemption is factually incorrect since the obviousness rejection, as it stands, is not based on the Spector's and Lemon's Patents per se, but rather on materials found in the background section and the rejection is limited to these materials as presented therein. Moreover, the 103 rejection has nothing to do with the validating step

since Barnett alone addresses the validating limitations. Technically speaking, the Appellant's remarks, as herein presented, are not proper since the Appellant is not challenging the Office Action as constructed.

Having said that, however, Barnett discloses a system wherein a user presents a secure printed coupon, having imprinted thereon a plurality of fields such as item UPC bar code 82 (84), redemption address 86, expiration date 70, the user's unique bar code 90 of fig. 5, etc., for redemption at retailer (10). Barnett teaches, in a preferred embodiment, that the user's unique bar code 90 is encoded with the user's specific information such as the username and/or other unique identification criteria such as a social security number or online service address. This information renders each printed coupon unique since an otherwise similar coupon presented by a different user or consumer will comprise a different user's bar code 90, thereby preventing fraud (see abstract; col. 7: 21-34). In other words, the unique user bar code **90** also renders the electronic coupon of the present system secure and fraud-proof. Although a user is able to print out a particular coupon **18** only once, however, the coupon issuer 14 may be defrauded by a user or retailer who might photocopy a printed coupon numerous times and fraudulently and repeatedly present it for redemption at a retailer (10). However, each printed coupon is unique and **can only be redeemed once** and the scanning of a coupon presented for redemption by a user will be stored at the coupon redemption center (13). Thus, the coupon issuer (14) will know if a particular user has redeemed a specific coupon and hence disable or disallow any further redemption of a photocopied coupon bearing the same indicia. **It is herein** understood that in order to prevent a further redemption of a printed redeemed coupon, the retailer (10) POS system is at least

operable to access the coupon redemption center (13) and/or the coupon issuer (14) database to determine in real-time if a coupon presented by a user is not a photocopied coupon, i.e. if the presented coupon has not been disabled or disallowed by the coupon (14) in conjunction with the coupon redemption center (13) or if the bar code 90 printed on the presented coupon is unique or different from a registered code related to a registered user. In short, the retailer (10) system is configured to validate, verify or authenticate a coupon presented for redemption by a user in conjunction with the coupon redemption center and/or coupon issuer database. Here, if the validating step is performed after the retailer has redeemed the presented coupon, as the Appellant seems to understand, then the coupon issuer will be defrauded since he must reimburse the retailer who has unknowingly honored or redeemed a fake or fraudulent coupon and hence, the system cannot be fraud-proof as intended by Barnett. Thus, the validation must be performed prior to the redemption, i.e. before applying a credit to the customer's order when the required product is purchased, but not after, as would have concluded an ordinary skilled artisan at the time of the invention. Col.11: 11-29; fig. 1.

Moreover, it is implicitly or explicitly supported in any coupon distribution system that when a printed coupon is presented for redemption at a local store, the clerk, alone or in conjunction with a system, at least makes sure that the date printed on the coupon is still valid, specific instructions printed on the coupon are carried out, the required product is purchased, etc., before applying a credit to the customer's order or before redeeming the presented coupon. This by itself constitutes a form of validation.

Here, the specific connotation or definition attributed to the term "validation" is not being read into the claims since the term "validation" is well understood in the art and since the

Examiner does read limitations from the specification into the claims and since claim elements are usually given the broadest interpretation during prosecution.

Further, Appellant's remarks regarding dependent claims 2, 4, 6, 12, 7, 8, 13, 3, 5, 10, 14, 15, 19 and 24-27 are tied to the arguments related to independent claims 1, 11 and 16 with respect to the validating step. Since these arguments are broad in nature and have already been addressed in the Office Action and since the arguments related to the independent claims are not persuasive in view of the foregoing response, thus the remarks associated with the dependent claims, as herein presented, are not plausible.

Fourth, and in general, concerning the 102(b) rejection of independent claims 1, 11 and 16 as anticipated by Lemon, Appellant argues that Lemon does not teach **determining if a presented coupon is valid**. First, it is implicitly or explicitly supported in any coupon distribution system that when a printed coupon is presented for redemption at a local store, the clerk, alone or in conjunction with a system, at least makes sure that the date printed on the coupon is still valid, specific instructions printed on the coupon are carried out, the required product is purchased, etc., before applying a credit to the customer's order or before redeeming the presented coupon. This by itself constitutes a **form of validation**. Here, the specific connotation or definition attributed to the term "validation" is not being read into the claims since the term "validation" is well understood in the art and since the Examiner does read limitations from the specification into the claims and since claim elements are usually given the broadest interpretation during prosecution. Second, Lemon explicitly discloses, as further admitted by the Appellant, a system for determining if a product identical (UPC) code printed on a

product in the customer's order matches the product UPC code printed on a presented coupon before a credit is being applied or a redemption is performed, thereby preventing a customer from obtaining the benefit of a coupon without purchasing the required product featured on the coupon. This feature of the Lemon's system reduces or prevents fraud by **validating or at least verifying** that the corresponding product associated with the coupon is bought before redeeming the said coupon (col. 6: 40-51).

Further, Appellant's remarks regarding dependent claims 4, 12, 13, 9, 10, 14, 15 and 24-27 are tied to the arguments related to independent claims 1, 11 and 16 with respect to the validating step. Since these arguments are broad in nature and have already been addressed in the Office Action and since the arguments related to the independent claims are not persuasive in view of the foregoing response, thus the remarks associated with the dependent claims, as herein presented, are not plausible.

Fifth, regarding the 102(e) rejection of claims 16-26, as anticipated by Powell, Appellant contends that **Powell does not teach validating a coupon**. First, the Examiner herein withdraws the rejection of claim 27 as anticipated by Powell for being baseless since the parent or base claim 1 was not anticipated by Powell. Second, **it is implicitly or explicitly supported in any coupon distribution system that when a printed coupon is presented for redemption at a local store, the clerk, alone or in conjunction with a system, at least makes sure that the date printed on the coupon is still valid, specific instructions printed on the coupon are carried out, the required product is purchased, etc., before applying a credit to the customer's order or before redeeming the presented coupon.** This by itself constitutes a **form of validation**. Here, the specific connotation or definition

attributed to the term “validation” is not being read into the claims since the term “validation” is well understood in the art and since the Examiner does read limitations from the specification into the claims and since claim elements are usually given the broadest interpretation during prosecution. In fact, Powell teaches, during the checkout, when UPC data on one of the user’s purchased product match a coupon stored in the memory of the customer’s Smart card, following a scanning process, the user or customer is credited with the value of the corresponding coupon (this matching process or validating process ensures that the user has purchased the required product as indicated on the coupon and/or if the coupon is valid or not expired before the presented coupon can be redeemed during the redemption transaction- See abstract; col. 1: 43 to col. 2: 54).

Further, Appellant’s remarks regarding the dependent claims a broad in nature and are tied to the arguments related to independent claim 16 with respect to the validating step and these claims have already been addressed in the Office Action.

Therefore, the Appellant’s request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Appellant’s arguments as herein presented are not plausible and thus, the rejections should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

Art Unit: 3622

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

JDJ

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Eric Stamber (SPE)



JEAN D. JANVIER
PRIMARY EXAMINER



11/15/07 (Re. 07/15/06)